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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,289	12/20/2000	Richard D. Romero	12481-003001	6983

7590 10/07/2004

ATTEN: IAN L. CARTIER  
NOKIA, INC.  
313 FAIRCHILD DRIVE  
MOUNTAIN VIEW, CA 94043

EXAMINER
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BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 10/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/745,289

Applicant(s)

ROMERO ET AL.

Examiner

Barbara N Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☒ Claim(s) 14, 21, 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date August 23, 2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claims 14, 21, 26, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the following words in the claims does not particularly point out and distinctly claim the subject matter: approximately and substantially. These terms are indefinite.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-15, 17-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz in view of Wexler et al. (hereinafter "Wexler", 6,298,357 B1).

As per claims 1, 17, 26, 38-39, 30-31, 40-42, Horowitz discloses a method comprising:

- Receiving a machine readable file containing a document that is to be served to a client for display on a client device, the organization of each of the documents in the file being expressed as a hierarchy of information (column 2, lines 17-25, column 3, lines 1-15).

Horowitz does not explicitly disclose:

- Deriving subdocuments from the hierarchy of information, each of the subdocuments being expressed in a format that permits it to be served separately to the client using a hypertext

transmission protocol, at least one to the subdocuments containing information that enables it to be linked to another one of the subdocuments.

However, the use and advantages for deriving subdocuments from the hierarchy of information, each of the subdocuments being expressed in a format that permits it to be served separately to the client using a hypertext transmission protocol, at least one to the subdocuments containing information that enables it to be linked to another one of the subdocuments is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Wexler (column 1, lines 30-35, column 2, lines 20-25, column 3, lines 12-15, 50-56, column 6, lines 64-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate deriving subdocuments from the hierarchy of information, each of the subdocuments being expressed in a format that permits it to be served separately to the client using a hypertext transmission protocol, at least one to the subdocuments containing information that enables it to be linked to another one of the subdocuments in Horowitz's method in order for smaller files to be easily downloaded and viewed using a web browser.

As per claim 3, Horowitz discloses the method of claim 1 in which the deriving comprises traversing the hierarchy and assembling the subdocuments from segments, at least some of the subdocuments each being assembled from more than one of the segments (column 3, lines 1-45).

As per claim 4, Horowitz discloses the method of claim 3 in which the assembling conforms to an algorithm that tends to balance the respective sizes of the sub-documents (column 3, lines 30-36).

As per claim 5, Horowitz further discloses the method of claim 3 in which the assembling conforms to an algorithm that tends to favor assembling each of the subdocuments from the segments that have common parents in the hierarchy (column 4, lines 21-50).

As per claim 6, Horowitz discloses the method of claim 3, in which the assembling conforms to an algorithm that tends to favor assembling each of the subdocuments from segments for which replications of nodes in the hierarchy is not required (column 4, lines 61-67).

As per claim 7, Horowitz discloses the method of claim 1 in which the file is received from an origin server associated with the file (column 2, lines 16-30).

As per claim 8, Horowitz discloses the method of claim 7 in which the file is expressed in a language that does not organize segments of the document in a hierarchy, and the deriving of subdocuments includes first converting the file to a language that organized segments of the document in a hierarchy (columns 3-4).

As per claims 9, 29, Horowitz discloses the method of claim 1 also including serving the subdocuments to the client individually as requested by the client (column 4, lines 22-30).

As per claims 10, 18, 22, Horowitz does not explicitly disclose the method of claim 9 in which the subdocuments are served to the client using a hypertext transmission protocol. However, the use and advantages for the subdocuments are served to the client using a hypertext transmission protocol is well known to one skilled in the relevant art at the time the invention was

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made as evidenced by the teachings of Wexler (column 1, lines 55-60, column 3, lines 51-55, column 6, lines 64-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate subdocuments are served to the client using a hypertext transmission protocol in Horowitz's method in order for the smaller files to be easily downloaded.

As per claims 11, 15, 23, Horowitz does not explicitly disclose the method of claim 9 in which the subdocuments are requested by the client based on contained information that enables it to be linked to another of the subdocuments.

However, the use and advantages for the subdocuments are requested by the client based on contained information that enables it to be linked to another of the subdocuments is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Wexler (column 6, lines 60-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the subdocuments are requested by the client based on contained information that enables it to be linked to another of the subdocuments in Horowitz's method in order to flow naturally from one document to the next.

As per claims 12, 24-25, 27-28, Horowitz discloses the method of claim 1 also including

- Identifying a portion of the document that is to be displayed separately from the rest of the document (column 3, lines 1-15),
- The portion of the document that is to be displayed separately being excluded from the subdocument in which the portion would otherwise have appeared, the portion of the document

that is to be displayed separately being included in at least one corresponding subdocument  
9column 3, lines 40-40),

- When the subdocument in which the portion would otherwise have appeared is served to the client device, embedding a graphical device that can be invoked by the user to retrieve the subdocument that includes the portion of the document that is to be displayed separately (column 4, lines 20-40).

As per claims 13, 14, 37, 19-21, Horowitz discloses a method comprising

- Receiving, from an origin server, a machine readable file containing a document that is to be served to a client for display on a client device, the file being expressed in a language that does not organize segments of the document in a hierarchy,
- Converting the file to a language that organizes segments of the document in a hierarchy,
- Traversing the hierarchy and assembling subdocuments from the segments, at least some of the subdocuments each being assembled from more than one of the segments, the assembling conforming to an algorithm that tends to (a) balance the respective sizes of the sub-documents, (b) favor assembling each of the subdocuments from segments that have common parents in the hierarchy, and (c) assembling each of the subdocuments from segments for which replications of nodes in the hierarchy is not required (columns 3-4).

Horowitz does not explicitly disclose:

- Each of the subdocuments being expressed in a format that permits it to be served separately to the client using a hypertext transmission protocol, at least one of the subdocuments containing information that enables it to be linked to another one of the subdocuments,

- Serving the subdocuments to the client individually as requested by the client based on the contained information that enables it to be linked to another of the subdocuments, the serving being done using a hypertext transmission protocol.

However, the use and advantages for using a hypertext transmission protocol is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Wexler (column 1, lines 55-60, column 3, lines 51-55, column 6, lines 64-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate subdocuments are served to the client using a hypertext transmission protocol in Horowitz's method in order for the smaller files to be easily downloaded.

As per claims 32-33, Horowitz discloses the method of claim 31 in which the characteristics of the client device are provided by the client in connection with the request (column 2, lines 59-67).

As per claim 34-36, discloses method of claim 1, 17, or 21, Horowitz discloses in which the subdocuments are derived from the document before the client requests the document from the server (columns 3-4).

4. Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz in view of Wexler et al. (hereinafter "Wexler", 6,298,357 B1) and in further view of Burkett et al. (hereinafter "Burkett", 6,671,853 B1).

As per claims 2, 16, Horowitz, in view of Wexler, does not explicitly disclose the method of claim 1 in which the language comprises extensible mark-up language (XML).



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However, the use and advantages for the language comprises extensible mark-up language (XML) is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Burkett (Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate for the language comprises extensible mark-up language (XML) in Horowitz's method in order to more efficiently process the document by selectively streaming document fragments.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess  
Examiner  
Art Unit 2157

  
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SUPERVISORY PATENT EXAMINER  
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